

Revised 03/06 WDNY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORKFORM TO BE USED IN FILING A CIVIL COMPLAINT IN FEDERAL COURT
(Non-Prisoner Context)

All material filed in this Court is now available via the INTERNET. See Pro Se Privacy Notice for further information.

1. CAPTION OF ACTION

A. Full Name of Plaintiff: NOTE: If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application or the only plaintiff to be considered will be the plaintiff who filed an application.

Brenda J. Toe / Warren
179 Fairgreen Dr.
Buffalo, New York 14228

-vs-

B. Full Name(s) of Defendant(s) NOTE: Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. Add a separate sheet, if necessary.

1. Rich Products Corp.
2. Robert E. Rich Jr.
3. 1 Robert Rich Way
Buffalo, NY 14213

4. _____
5. _____
6. _____

2. STATEMENT OF JURISDICTION, VENUE and NATURE OF SUIT

All of these sections MUST be answered

Identify the basis for federal Court jurisdiction over your claim, such as that the United States government is a party to the action, all the parties reside in different states and therefore you claim diversity jurisdiction, or the claim presents a federal question or arises under federal law.

A. Basis of Jurisdiction in Federal Court: A claim under a Federal Government Program. Where state laws have been violated.

State why the Western District of New York is the proper venue for this action, such as that your claim arises in or the defendant resides in the 17 westernmost counties of New York State.

B. Reason for Venue in the Western District: the claim occurred in the United States District of the Western District of New York's entire

Identify the nature of this action, such as that it is a civil rights claim, a personal injury or personal property (tort) claim, a property rights claim, or whatever it is.

C. Nature of Suit: This is a civil Rights case where federal laws of the judiciary system can be heard for violations.

PLAINTIFF'S INFORMATION NOTE: To list additional plaintiffs, use this format on another sheet of paper.

Name of First Plaintiff: Brenda J. Toe / Warner

Present Address: 179 Fairgreen Dr.
Buffalo, NY 14228

Name of Second Plaintiff: _____

Present Address: _____

DEFENDANT'S INFORMATION NOTE: To list additional defendants, use this format on another sheet of paper.

Name of First Defendant: Rich Product's Corp.

Official Position of Defendant (if relevant): Robert E. Rich Jr.

Address of Defendant: 1 Robert Richway, Buffalo, NY 14213

Name of Second Defendant: _____

Official Position of Defendant (if relevant): _____

Address of Defendant: _____

Name of Third Defendant: _____

Official Position of Defendant (if relevant): _____

Address of Defendant: _____

4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT

A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action

Yes No

If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): Brenda J. Toe

Defendant(s): Robert E. Rich Jr.

2. Court (if federal court, name the district; if state court, name the county): United States
District court - Western District of New York

3. Docket or Index Number: _____

4. Name of Judge to whom case was assigned: _____

5. The approximate date the action was filed: _____

6. What was the disposition of the case?

Is it still pending? Yes No

If not, give the approximate date it was resolved. _____

Disposition (check those statements which apply):

Dismissed (check the statement which indicates why it was dismissed):

- By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;
- By court for failure to prosecute, pay filing fee or otherwise respond to a court order;
- By court due to your voluntary withdrawal of claim;

Judgment upon motion or after trial entered for

- plaintiff
- defendant

5. STATEMENT OF CLAIM

Please note that it is not enough to just list the ground(s) for your action. You must include a statement of the facts which you believe support each of your claims. In other words, just tell the story of what happened and do not use legal jargon

Fed.R.Civ.P. 8(a) states that a pleading must contain "a short and plain statement of the claim showing that the pleader entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995)

Fed.R.Civ.P. 10(b) states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

A. FIRST CLAIM: On (date of the incident) 8/9/02

defendant (give the name and (if relevant) the position held of each defendant involved in this incident) Rich

Products Human Resources Dept.

Vickie Strouder - Personnel Liason

did the following to me (briefly state what each defendant named above did): Spoke Verbally to her denied all allegations of my Service Records I was told I never worked there. The Pension Rights Center and the Labor Board got involved. But there was still no action. They refused to put forth any effort in finding the records. It was determined then that the state law had been unfavorable for a law abiding citizen.

The federal basis for this claim is: too Protect law abiding citizens like myself from being a victim of not being able to receive benefits

State briefly exactly what you want the Court to do for you. Make no legal arguments and cite no cases or statutes:

I want the Court to undue the injustices I have encountered and grant me my rightful and loyal pension benefit.

B. SECOND CLAIM: On (date of the incident) _____,

defendant (give the name and (if relevant) position held of each defendant involved in this incident) _____

did the following to me (briefly state what each defendant named above did): _____

The federal basis for this claim is: _____

State briefly exactly what you want the Court to do for you. Make no legal arguments and cite no cases or statutes:

If you have additional claims, use the above format to set them out on additional sheets of paper.

6. SUMMARY OF RELIEF SOUGHT

Summarize the relief requested by you in each statement of claim above.

I have ~~re~~ports of proof showing every thing I received so far from social security showing that I worked there. Their claim was that I never worked there before, and they denied my benefit.

Do you want a jury trial? Yes No

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 8/24/2024
(date)

NOTE: Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.

Prenda P. Tol /warren
179 fairgreen drive
Buffalo, NY 14228

Signature(s) of Plaintiff(s)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Brenda J. Toe /warren

DEFENDANTS

Rich Products Corp.

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

ERIE

(c) Attorneys (Firm Name, Address, and Telephone Number)

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

ERIE

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance	PERSONAL INJURY	PERSONAL INJURY	422 Appeal 28 USC 158	375 False Claims Act
120 Marine	310 Airplane	365 Personal Injury - Product Liability	423 Withdrawal 28 USC 157	376 Qui Tam (31 USC 3729(a))
130 Miller Act	315 Airplane Product Liability	367 Health Care/ Pharmaceutical Personal Injury Product Liability	PROPERTY RIGHTS	400 State Reapportionment
140 Negotiable Instrument	320 Assault, Libel & Slander	330 Federal Employers' Liability	820 Copyrights	410 Antitrust
150 Recovery of Overpayment & Enforcement of Judgment	340 Marine	368 Asbestos Personal Injury Product Liability	830 Patent	430 Banks and Banking
151 Medicare Act	345 Marine Product Liability	370 Other Fraud	835 Patent - Abbreviated New Drug Application	450 Commerce
152 Recovery of Defaulted Student Loans (Excludes Veterans)	350 Motor Vehicle	371 Truth in Lending	840 Trademark	460 Deportation
153 Recovery of Overpayment of Veteran's Benefits	355 Motor Vehicle	380 Other Personal Property Damage	880 Defend Trade Secrets Act of 2016	470 Racketeer Influenced and Corrupt Organizations
160 Stockholders' Suits	Product Liability	385 Property Damage	SOCIAL SECURITY	480 Consumer Credit (15 USC 1681 or 1692)
190 Other Contract	360 Other Personal Injury	Product Liability	861 HIA (1395ff)	485 Telephone Consumer Protection Act
195 Contract Product Liability	362 Personal Injury - Medical Malpractice	IMMIGRATION	862 Black Lung (923)	490 Cable/Sat TV
196 Franchise		Habeas Corpus:	863 DIWC/DIWW (405(g))	850 Securities/Commodities/ Exchange
REAL PROPERTY	CIVIL RIGHTS	463 Alien Detainee	864 SSID Title XVI	890 Other Statutory Actions
210 Land Condemnation	440 Other Civil Rights	510 Motions to Vacate Sentence	865 RSI (405(g))	891 Agricultural Acts
220 Foreclosure	441 Voting	530 General	FEDERAL TAX SUITS	893 Environmental Matters
230 Rent Lease & Ejectment	442 Employment	535 Death Penalty	870 Taxes (U.S. Plaintiff or Defendant)	895 Freedom of Information Act
240 Torts to Land	443 Housing/ Accommodations	Other:	871 IRS—Third Party 26 USC 7609	896 Arbitration
245 Tort Product Liability	445 Amer. w/Disabilities - Employment	540 Mandamus & Other		899 Administrative Procedure Act/Review or Appeal of Agency Decision
290 All Other Real Property	446 Amer. w/Disabilities - Other	550 Civil Rights		950 Constitutionality of State Statutes
	448 Education	555 Prison Condition		
		560 Civil Detainee - Conditions of Confinement		

V. ORIGIN (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

United States District Court

VI. CAUSE OF ACTION

Brief description of cause:

Denied Pension

VII. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION
UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No

VIII. RELATED CASE(S)

IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

Brenda J. Toe /warren

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE